

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**MIGUEL ENRIQUE ROSARIO DIAZ**

**DEBTORS**

**CASE NO: 07-05784**

**CHAPTER 13**

**MOTION TO AMEND CONFIRMED PLAN**  
**UNDER SECTION 1329 OF THE BANKRUPTCY COURT**

TO THE HONORABLE COURT:

COMES NOW, debtors through the undersigned attorney and respectfully ALLEGES, and PRAYS:

1. Due to unexpected expenses, debtor has become in arrears with his direct mortgage payments.
2. Debtor is requesting a re-financement of the mortgage loan, in order to cover the new post petitions arrears.
3. The amended plan dated 8-16-11 will reflect the new payment plan and the amount paid to the mortgage bank by the Trustee.

WHEREFORE, it is respectfully requested from this Honorable Court to accept this post-confirmation modification, and provide any other remedy it may deem appropriate.

RESPECTFULLY SUBMITTED in San Juan, PR this August 17 , 2011.

**NOTICE**

**“Parties in interest are notified they have twenty five (25) days to reject a proposed modification of a plan and request a hearing. Absent good cause, untimely rejection shall be denied”.**

I HEREBY CERTIFY: On this August 17 , 2011, I electronically filed the foregoing document with the clerk of the Court using the CM/ECF System which will sent notification of such filing to the Trustee and to all the participants of the CM / ECF program; and by regular mail to all parties as per master address list attached.

/s/ Agnes T. Emanuelli Rivera  
USDC #210810  
Attorney for Debtor  
Miguel Enrique Rosario Díaz  
MSC 409, 138 W. Churchill Ave.  
San Juan PR 00926-6013  
Tel. 787-778-8331  
atelaw@centennialpr.net

**United States Bankruptcy Court  
District of Puerto Rico**

**IN RE:**

Case No. **07-05784**

**ROSARIO DIAZ, MIGUEL ENRIQUE**

Chapter **13**

Debtor(s)

**CHAPTER 13 PAYMENT PLAN**

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

<b>PLAN DATED:</b> _____ <input checked="" type="checkbox"/> <b>AMENDED PLAN DATED: 8/17/2011</b>	
<input type="checkbox"/> <b>PRE</b> <input type="checkbox"/> <b>POST-CONFIRMATION</b> Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	
<b>I. PAYMENT PLAN SCHEDULE</b>  \$ <u>250.00</u> x <u>14</u> = \$ <u>3,500.00</u> \$ <u>0.00</u> x <u>2</u> = \$ <u>0.00</u> x <u>250.00</u> <u>44</u> = \$ <u>11,000.00</u> \$ _____ x _____ = \$ _____ \$ _____ x _____ = \$ _____  TOTAL: \$ <u>14,500.00</u>  Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from:  <input type="checkbox"/> Sale of Property identified as follows: _____ _____  <input type="checkbox"/> Other: _____ _____  Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____	<b>II. DISBURSEMENT SCHEDULE</b>  A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____ B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: 1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. <b>Popular Mortgage***</b> Cr. <b>Popular Mortgage***</b> Cr. _____ # <b>Pre Petition</b> # <b>Post Petition</b> # _____ \$ <u>4,486.74</u> \$ <u>2,582.66</u> \$ _____ 2. <input type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 4. <input checked="" type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: <b>Cooperativa AEE</b> 5. <input type="checkbox"/> Other: _____ 6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: <b>Popular Mortgage</b> C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2) HACIENDA DE PR D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ Cr. _____ Cr. _____ Cr. _____ # _____ # _____ # _____ \$ _____ \$ _____ \$ _____ 2. Unsecured Claims otherwise receive PRO-RATA disbursements.  OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) <b>Trustee to pay attorney fees prior than any creditor. Debtor agrees to the voluntary lift of stay in favor of Baxter Credit Union. *** Amount already paid to Popular Mortgage through the plan.</b>
<b>PROPOSED BASE: \$ 14,500.00</b>	
<b>III. ATTORNEY'S FEES</b> (Treated as § 507 Priorities)  Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>2,750.00</u>	
Signed: <u>/s/ MIGUEL ENRIQUE ROSARIO DIAZ</u> Debtor  _____ Joint Debtor	

Attorney for Debtor **Agnes Emanuelli Law Firm**

Phone: **(787) 778-8331**

Label Matrix for local noticing 0104-3 Case 07-05784-ESL13 District of Puerto Rico Old San Juan Wed Aug 17 15:34:21 AST 2011	BAXTER CREDIT UNION PO BOX 195596 SAN JUAN, PR 00919-5596	BPPR AS SERVICING AGENT OF POPULAR MORTGAGE PO BOX 9023593 SAN JUAN, PR 00902-3593
COOP A/C EMPLEADOS AEE PO BOX 9061 SAN JUAN, PR 00908-0061	JEFFERSON CAPITAL SYSTEMS LLC PO BOX 953185 ST LOUIS, MO 63195-3185	R&G MORTGAGE CORPORATION CARDONA JIMENEZ LAW OFFICE PO BOX 9023593 SAN JUAN, PR 00902-3593
SANTANDER FINANCIAL SERVICES d/b/a ISLAND FI BIGAS & RIVERA BUJOSA LAW OFFICES PO BOX 7011 PONCE, PR 00732-7011	US Bankruptcy Court District of P.R. U.S. Post Office and Courthouse Building 300 Recinto Sur Street, Room 109 San Juan, PR 00901-1964	APX Alarm 5132 N 300 Provo, UT 84604-5817
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BPPR PO Box 366818 San Juan, PR 00936-6818	Baxter Credit Union 400 N Lakeview Parkway Vernon Hills, IL 60061-1854	Citifinancial PO Box 71398 San Juan, PR 00936
Cooperativa AEE PO Box 9061 San Juan, PR 00908-0061	Departamento De Hacienda Division De Quiebras 424 B PO Box 9024140 San Juan, PR 00902-4140	Department of Treasury Bankruptcy Section (424-B) PO Box 9024140 San Juan, PR 00902-4140
Frost- Arnett Company PO Box 1022 Wixom, MI 48393-1022	HIMA - San Pablo Bayam?n PO Box 236 Bayam?n, PR 00960-0236	Island Finance PO Box 195369 San Juan, PR 00919-5369
JEFFERSON CAPITAL SYSTEMS LLC PO BOX 7999 ST CLOUD MN 56302-7999	Juriscoop Law Firm Villa Blanca 50 Acuamarina St. Caguas, PR 00725-1907	My Kids Doctor 319 W Oak St. Kissimmee, FL 34741-4421
NCO Financial Systems Of PR , Inc. PO Box 15618, Dept 33 Wilmington, DE 19850-5618	Orthopedics Associates Of Osceola 604 Oak Commons Blvd. Kissimmee, FL 34741-4198	Osceola County EMS 320 N. Beaumont Ave Kissimmee, FL 34741-5125
Osceola Regional Medical Center PO Box 2994 San Antonio, TX 78299-2994	PR ACQUISITIONS, LLC 270 Munoz Rivera Ave Suite 400 San Juan, PR 00918-1910	(p)PENTAGON FEDERAL CREDIT UNION ATTN BANKRUPTCY DEPARTMENT P O BOX 1432 ALEXANDRIA VA 22313-1432

R&G Mortgage GPO Box 362394 San Juan, PR 00936-2394	SAI , Inc. 2101 Arlington Heights Rd, Suite 150 Arlington Heights, IL 60005-4142	SANTANDER FINANCIAL CORP D/B/A ISLAND FINANC C/O LIGIA RIVERA BUJOSA P O BOX 7011 PONCE PR 00732-7011
Sam's PO Box 530942 Atlanta, GA 30353-0942	Sam's PO Box 981064 El Paso, TX 79998-1064	San Jorge Children's Hospital PO Box 6308 Lo?za Station San Juan, PR 00914-6308
San Juan MRI & CT 1448 Fern?ndez Juncos Avenue Santurce, PR 00909-2655	eCAST Settlement Corporation assignee of GE Money Bank/Sams Club POB 35480 Newark NJ 07193-5480	AGNES T EMANUELLI RIVERA AGNES EMANUELLI LAW OFFICE 138 AVENUE WINSTON CHURCHILL MSC 409 SAN JUAN, PR 00926-6023
JOSE RAMON CARRION MORALES PO BOX 9023884 SAN JUAN, PR 00902-3884	MIGUEL ENRIQUE ROSARIO DIAZ VILLAS DE BUENA VISTA G 17 CALLE HERMES BAYAMON, PR 00956-5949	MONSITA LECAROS ARRIBAS OFFICE OF THE US TRUSTEE (UST) OCHOA BUILDING 500 TANCA STREET SUITE 301 SAN JUAN, PR 00901-1938

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Pentagon Federal Credit Union  
PO Box 1432  
Alexandria, VA 22313-2032

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Baxter Credit Union P.O. Box 195596 San Juan, PR 00919-5596	(d)R&G MORTGAGE CORPORATION CARDONA JIMENEZ LAW OFFICE PO BOX 9023593 SAN JUAN, PR 00902-3593	End of Label Matrix Mailable recipients 41 Bypassed recipients 2 Total 43
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